

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Gricelda Rosetto,)
Plaintiff,) Case No.: 2:14-cv-00142-GMN-CWH
vs.)
Wells Fargo Home Mortgage, et al.,)
Defendants.)

ORDER

Pending before the Court is the Motion to Expunge the Lis Pendens, (ECF No. 31), filed by Defendants Wells Fargo Bank, N.A. and Mortgage Electronic Registration System, Inc. (collectively “Defendants”). Upon a motion, the Court must dissolve a *lis pendens* if the recording party fails to demonstrate: (1) a likelihood of prevailing in the action; or (2) a fair chance of success and serious hardship that could result from a transfer of the property. Nev. Rev. Stat. 14.015(3); *see also Levinson v. Eighth Judicial Dist. Court*, 857 P.2d 18, 20-21 (Nev. 1993).

Here, Plaintiff Gricelda Rosetto (“Plaintiff”) has failed to file a Response, and the deadline to do so expired on January 25, 2017. Thus, pursuant to Local Rule 7-2(d), the Court finds that Plaintiff has consented to the granting of the Motion. *See D. Nev. R. 7-2(d)* (“The failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.”). Moreover, the Court finds that expunction of the *lis pendens* is warranted because all of Plaintiff’s claims have been dismissed with prejudice. *See, e.g., Wensley v. First Nat. Bank of Nevada*, 874 F. Supp. 2d 957, 968 (D. Nev. 2012) (expunging a *lis pendens* after dismissing a complaint with prejudice).

Accordingly,

IT IS HEREBY ORDERED that the Motion to Expunge the Lis Pendens, (ECF No.

1 | 31), is GRANTED.

2 **IT IS FURTHER ORDERED** that the notice of *lis pendens* filed and recorded by or on
3 behalf of Plaintiff on the property located at 3013 Ocean Port Dr., Las Vegas, Nevada 89117
4 (APN 163-07-720-003) with the Clark County Recorder's Office as instrument number
5 201405140002398 is hereby cancelled and expunged.

6 **IT IS FURTHER ORDERED** that Defendants shall record a copy of this Order with
7 the Clark County Recorder's Office within seven (7) days of its issuance.

8 || **DATED** this 17 day of May, 2017.

Gloria M. Navarro, Chief Judge
United States District Court